

Bumping Rights

UF is often asked: When can one faculty member “bump” another? Can a full-timer who loses a section due low enrollment take a section from a part-timer? Can a part-timer with “staffing preference” whose class is cancelled take a different section from a part-timer without staffing preference?

The answer, unfortunately, is complicated. But here are the facts as we understand them:

There is no specific “bumping right” described in the contract. The District has an obligation to offer every full-time faculty a full load (100% unless the member is on some sort of reduced load). And Article 25 requires that part-timers with staffing preference be offered their historical (modal) load. So while schedules are in development, the contract clearly requires that some faculty be offered assignments. During the schedule-development process (in August or September for the spring semester, for example), if a full-timer or part-timer with preference is offered a class that the department decides a week later not to offer after all, then we would not consider that the obligation to offer load has been met. Some substitute assignment would need to be offered. But even this is not a “bumping right.” Assignments are distributed per department bylaws, in keeping with the priorities described in Article 25. Faculty often get to pick their assignments in a kind of rank-order, but not always.

In the case where a class is cancelled close to or after the start of the semester, let’s consider the three most common scenarios:

1) for full-time “A” load, since the District owes every full-timer 100% load, the case for allowing a full-timer to bump a part-timer to make up the full-timer’s A load is pretty strong, but it isn’t exactly guaranteed, and there are other, often better options, including underload. For a full-timer to bump a part-timer to cover A-load, he or she would need the support of the department chair and dean. It might be the case where the full-timer wants class A, but the Dean and Chair think the full-timer should take class B. Maybe class A has a strong instructor but class B has nobody and needs to be staffed. The full-timer would not have a clear contractual right to choose and displace the part-timer. In general, per Article 25, full-timers get first choice of assignments before part-timers, however, so the full-timer would have a case... just not quite open-and-shut. In such situations, we usually rely on everyone’s professionalism and find a solution.

2) For full-time OVERLOAD, the situation is even less cut-and-dry. Imaging full-timer Joe, who is scheduled to teach 150% next fall. One of his overload classes is cancelled today because it is under-enrolled. If he loses that class, he will still be at 125%. But he will lose income upon which he was counting because he will have less overload. Does he have the right to bump a part-timer who has a section Joe could teach?

No, he does not have such a right. But that doesn't mean that he could not take a class from a part-timer. To "bump" a part-timer, Joe would simply need the support of his Department (or probably just his Department Chair) and his Dean, assuming that his Department Bylaws were silent on this issue. Joe could go to the Department Chair and say, I lost my section; I want to bump Bob, who is part-time and who has a full section for the fall. IF the Chair agreed and said as much to the Dean, and if the Dean agreed, and then if Bob was told that he was losing his fall class because a full-timer had bumped him, Bob would not have much recourse. As a part-timer, especially if he lacks staffing preference, Bob has no legal or contractual guarantee of work in the fall. Even if Bob's name is in the schedule, and students registered planning to take the class from Bob, Bob can still have his course taken from him before the semester starts, so long as he is not discriminated against because of race, gender, etc. Bob would probably come complain to the Union, but we would have to tell him that there is nothing much we can do.

On the other hand, if Joe went to his Chair, and his Chair said no, it's too late to bump a part-timer, or if the Chair agreed but the Dean said no, Joe would probably come complain to the union. And we would have to tell him there is little we can do. He doesn't have a contractual RIGHT to bump someone, and he doesn't have a clear and contractual right to overload. We could make a case that he has a right to an overload assignment in the first place, but if it was cancelled for low enrollment, there really is nothing in the contract to suggest he should be able to get a different assignment once the schedule is set.

3) The third scenario is for a part-timer with staffing preference (or seniority, if seniority is called out in the department bylaws). Like a full-timer with overload, the part-timer with staffing preference has no "right" to bump anyone, but if a Department were to decide to shuffle assignments during a time of under-enrollment and cuts so that the most recently hired part-timers lose sections while more senior part-timers shift assignments, that would not be grounds for a grievance. The authority to bump, in other words, lies ultimately with the Dean, in consultation with the Department Chair, unless there is specific language in the department bylaws addressing this issue.

As a union, we usually try to convince full-timers to avoid bumping part-timers if they can. Full-timers often have other ways they can make up an assignment, by going underload, for example. In Joe's case, maybe he could switch his classes around so that the cut class is A-load, and then still get all the overload pay and go underload by class. If he has banked load, that might work. And even if he does it, the Dean might agree to avoid the issue with Bob and the possibility of bumping. Joe would have at least three semesters to make up the class

Do you have questions about all this? Contact the UF: 925-680-1771 or uf@uf4cd.org.